

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA, et al.,)
Plaintiffs,)
v.)
GOOGLE LLC,)
Defendant.)
1:23-cv-108 (LMB/JFA)

ORDER

The parties have filed motions to seal their memoranda in support of their motions in limine. See [Dkt. No. 1159] (“Plaintiffs’ Motion to Seal”); [Dkt. No. 1166] (“Google’s Motion to Seal”). The Court has reviewed the motions and underlying materials that the parties have requested to seal and finds that the parties have once again submitted overly broad requests.

Plaintiffs have moved to seal portions of their memorandum and exhibits 3, 10, 11, 14-16, 18, 19-26, and the appendix. To their credit, plaintiffs represent that they “do not believe the information referenced in their memorandum, exhibits, or appendix are of a type that outweighs the presumption in favor of public access.” [Dkt. No. 1160] at 2. Rather, plaintiffs have had to file redacted versions of these materials only “because the material was designated as confidential or highly confidential by Google.” *Id.* The Court agrees with plaintiffs that the information Google seeks to seal does not qualify for sealing, and Google has not articulated any basis to keep the material under seal. For these reasons, Plaintiffs’ Motion to Seal, [Dkt. No. 1159], is DENIED; and it is hereby

ORDERED that by close of business on Friday, August 23, 2024, plaintiffs file unredacted versions of their memorandum and exhibits 3, 10, 11, 14-16, 18, 19-26, and the appendix supporting their motion in limine on the public docket.

Google's Motion to Seal seeks to redact seven words from the memorandum supporting its motion in limine and portions of six accompanying exhibits (C, E, F, G, H, and M). The information at issue is information from third-party depositions, portions of which have been redacted in accordance with requests from non-parties. Because the underlying exhibits were redacted in conformity with a previous order granting the non-parties' sealing requests, the Court will permit unredacted versions exhibits C, E, F, G, H, and M to remain under seal for now; however, during the trial, the Court may order all or portions of these redactions be made public if the testimony is offered as evidence. Although portions of the underlying exhibits will remain under seal, the requested redaction of seven words in Google's memorandum will be denied because, when read in context, the limited information does not reveal sensitive or confidential information that meets the high threshold for sealing. For this reason, Google's Motion to Seal, [Dkt. No. 1166], is GRANTED to the extent that redacted portions of exhibits C, E, F, G, H, and M be kept under seal and DENIED to the extent that a redacted portion of the memorandum be kept under seal; and it is hereby

ORDERED that by close of business on Friday, August 23, 2024, Google file an unredacted version of its memorandum supporting its motion in limine on the public docket.

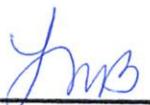
Lastly, as the Court has repeatedly warned the parties, improper requests to seal or redact information will result in that party losing the ability to maintain information under seal. Because the parties should have resolved these sealing issues before burdening the Court, it is hereby

ORDERED that no further motions to seal will be considered by the Court unless that motion includes a certification that the parties met and conferred to resolve whether the material at issue needed to be maintained under seal.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 21st day of August, 2024.

Alexandria, Virginia

/s/ 
Leonie M. Brinkema
United States District Judge